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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,637	12/08/2003	Randy G. Cooper	PTG 02-116-1	4229

28268 7590 06/12/2006

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EXAMINER
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SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,637	<b>Applicant(s)</b> COOPER ET AL.	
	<b>Examiner</b> Shelley Self	<b>Art Unit</b> 3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 13, 14, 16-34, 68, 69, 71, 75 and 76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13, 14, 16-34, 68, 69, 71, 75 and 76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/20/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 27, 2006 has been entered.

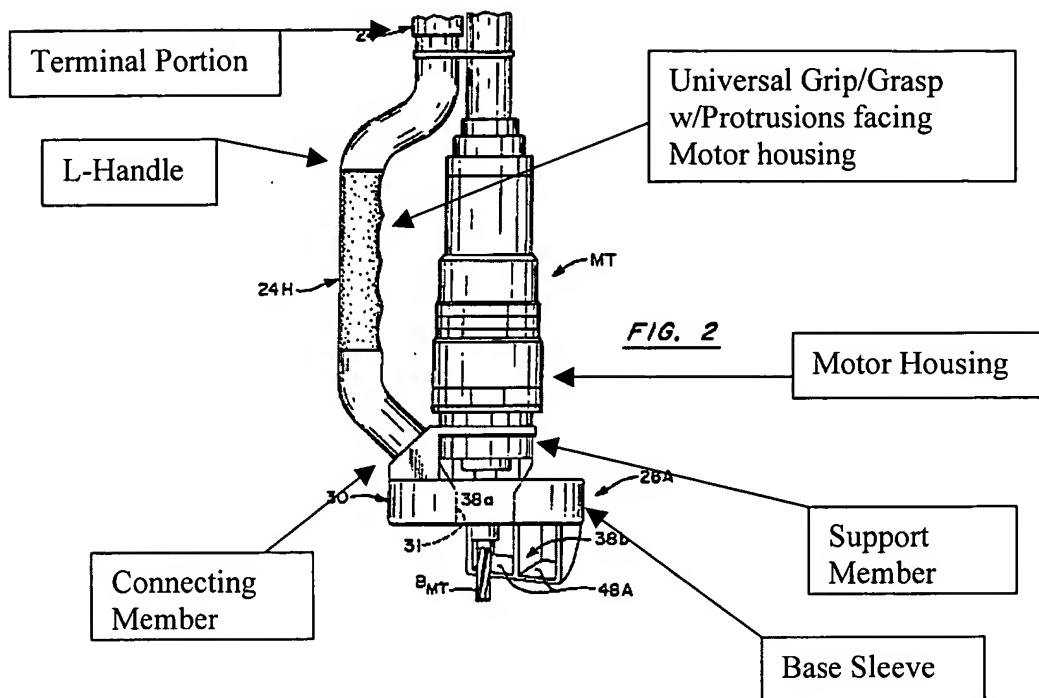
### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, 16-20, 22, 23, 26, 32-34, 68, 69, 71, 75 and 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Gondar (5,667,565). With regard to claims 1, 19, 20, 26 and 28, Gondar discloses a power tool comprising a motor housing adapted to house a motor that is configured to drive a working tool (fig. 2); a cylindrical base sleeve (30) coupled to the motor housing (fig. 2); and a generally L-shaped handle (fig. 2) having a connection member coupled to the base (fig. 2) and a grasping member (fig. 2) wherein the handle defines a channel therethrough (col. 7, lines 4-5) with a terminal portion adapted to be attached to a vacuum source that is external to the power tool (col. 7, lines 1-8).



With regard to claim 2, the base (30) is removable from the motor housing (MT; fig. 2A).

With regard to claim 3, Gondar discloses wherein the base (30) includes a base sleeve (figs. 2, 2A); and a support member (32) connected to the base sleeve (fig. 2A), said support member for supporting the power tool (fig. 2), wherein the generally L-shaped handle is connected to the base sleeve adjacent the interface of the base sleeve and support member (fig. 2).

With regard to claim 4, Gondar discloses a universal grip coupled to the grasping member (fig. 2).

With regard to claims 6 and 22, Gondar discloses a generally oblong grip (fig. 2).

Art Unit: 3725

With regard to claims 7 and 23, Gondar discloses wherein the grasping member is substantially parallel to the motor housing (fig. 2).

With regard to claims 16-18 and 32-34, Gondar discloses the connecting member configured to support at least a portion of a human hand disposed between the motor housing and the grasping member and wherein the grasping member forms a back hand support for a user's hand when grasping at least a portion of the motor housing. Examiner notes that Gondar can perform such that an operator hand is adjacent the motor housing and the back of the hand is adjacent the grasping member.

With regard to claim 68, Gondar discloses the grasping member is at an angle to the motor housing (fig. 2).

With regard to claim 69, Gondar discloses wherein the grasping member and the connecting member are at a substantially right angle with one another (fig. 2).

With regard to claim 71, Gondar discloses wherein the grasping member and the connecting member are at an angle of less than 90 degrees to one another.

With regard to claim 75, Gondar discloses wherein the external vacuum source is not integral with the motor housing (fig. 2).

With regard to claim 76, Gondar disclose wherein the grasping member is disposed proximal the motor housing (fig. 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3725

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5, 11, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gondar (5,667,565) in view of Yano (5,640,741). Gondar is silent to how the grip is affixed to the handle or the material of the grip.

The specific selection of a vibration dampening material as the grip would have been obvious to the skilled artisan because it is well within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious mechanical expedients.

Moreover, Yano teaches in a closely related art, the use of an oblong hand grip (fig. 2) frictionally coupled to a handle of a power tool and secured via fasteners (fig. 102a). Yano teaches this construction so as to reduce the vibration felt by the operator of the power tool. Because Gondar and Yano are concerned with a similar problem. (i.e., manual operation of a power tool via a handle) it would have been obvious at the time of the invention to one having ordinary skill in the art to provide Gondar with a frictionally secured handle grip or grip secured via fasteners so as to reduce vibration during operation felt by the operator as taught by Yano.

Claims 8, 9, 13, 24, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gondar (5,667,565) in view of Lui et al. (6,506,006). Gondar does not explicitly disclose the L-shaped handle member to be removable. Examiner notes however that Gondar's use of separable components (fig. 2A) lends to removability or detachability.

Moreover, Lui teaches in a similar art, a router having a detachable handle (200) constructed of shell portions (230, 240) attached via fasteners (250). Lui teaches the use of a removable/detachable handle so as to facilitate easy access to other elements of the power tool/router. Because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Gondar's handle connection with an easily removable/detachable connection so as to enable and facilitate ease of access to elements of the power tool/router as taught by Lui.

Claims 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gondar (5,667,565) in view of Williams et al. (6,266,850). Gondar does not disclose the grasping member to be adjustable positionable. Williams teaches in a similar art a router having generally L-shaped handles (fig. 2) attached to the router via a connecting member (fig. 3). Williams teaches the handles to have a grasping member, the grasping member to be adjustably positionable (figs. 4-5). Williams teaches this construction of adjustable grasping members so as to better orientate the router to facilitate proper contact with the work piece (col. 1, lines 20-40) and for reduced risk of injury to an operator. Because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Gondar's non-adjustable handles with adjustably positionable handles so as to allow consistent contact of the router with the work piece and reduce risk to an operator as taught by Williams.

Art Unit: 3725

Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gondar (5,667,565) alone. Gondar does not disclose the grasping member is angled between  $0^{\circ}$  and  $20^{\circ}$  from an axis normal to the connecting member. However the specific selection of the optimum range of the connection angle of the grasping member relative to the connecting member is well within the general knowledge of the skilled artisan. Further such would result from routine engineering practices, accordingly it would have been obvious at the time of the invention to one having ordinary skill in the art to construct Gondar such that the grasping member is angled between  $0^{\circ}$  and  $20^{\circ}$  from an axis normal to the connecting member. Examiner further notes Applicant's disclosure to be silent to any criticality to the angle being between  $0^{\circ}$  and  $20^{\circ}$  from an axis normal to the connecting member. In the absence of any positively recited criticality, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)

### ***Response to Arguments***

Applicant's arguments have been carefully considered but are moot in view of the new ground(s) of rejection.

The new grounds of rejection were necessitated by the amendment.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the



Art Unit: 3725

examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

June 1, 2006